

MONTANA LEGISLATIVE HISTORY

Chapter 154 19 63

Bill H 210 S _____ Original bill & history C

H. Committee on Highways

Hearing Date(s) _____ C

No House minutes _____ C

Could be located. _____ C

_____ C

_____ C

Date Out _____ C

S. Committee on Highways & Transportation

Hearing Date(s) Feb 25 ✓ C

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_____ C

Feb 25 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

MINUTES OF MEETING OF COMMITTEE ON
HIGHWAYS AND TRANSPORTATION
STATE SENATE

February 25, 1963

A meeting of the committee on Highway and Transportation was called by Chairman Bovey, February 25, at 9:00 a.m, in Room 407, State Capitol Building.

Secretary called the roll and a quorum being present consideration was given to bills HB 210, concerning the driver's license compact; HB 143, dealing with registration of cars and trucks depending on the age of the car; HB 144, dealing with the spread of such money to the county, city and state; and HJM 9 dealing with the establishing of a new State Park on Missouri River to be called Virgelle Park.

Appearing for HB 210 was Alex Stevenson, Supervisor of the Highway Patrol, and appearing as proponent of HJM 9 was Representative Stranahan.

Moved by Senator McGowan that HB 210 BE CONCURRED IN.
Seconded by Senator Mahoney. CARRIED.

HB 210
BE CON-
CURRED IN
CARRIED

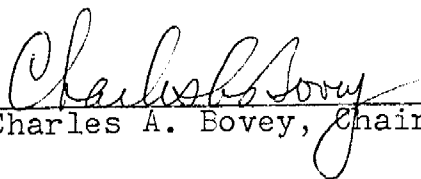
Moved by Senator McGowan that HB 143 BE NOT CONCURRED IN;
HB 143 and Seconded by Senator Grieve. CARRIED. Com. Report to be signed
HB 144 BE By Senator Grieve.

NOT CONCURRED IN Moved by Senator Grieve that HB 144 BE NOT CONCURRED IN;
IN Seconded by Senator Hauk. CARRIED. Committee Report to be signed by Senator Grieve as member.

Moved by Senator Reardon that House Joint Memorial No. 9
BE NOT CONCURRED IN; Seconded by Senator Mahoney. CARRIED

HJM 9
BE NOT
CONCURRED
IN

Adjournment.


Charles A. Bovey, Chairman

Define 'Employee' as a Recipient of General Relief Who Is Performing Work for a County of This State.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 92-411, R. C. M. 1947, is amended to read as follows:

"Employee" and "workman" are synonymous—defined.

"Section 92-411. **Employee and workmen defined.** 'Employee' and 'workman' are used synonymously and mean every person in this state, including a contractor other than an 'independent contractor' who is in the service of an employer as defined by the preceding section, under any appointment or contract of hire, expressed or implied, oral or written, including aliens and also including minors, whether lawfully or unlawfully employed, and all of the elected and appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations while rendering actual service for such corporations for pay, including city and town firemen, highway patrolmen, police officers, county sheriffs, deputy sheriffs, constables, truant officers and all peace officers, also all public officers and their deputies, assistants and employees, but excluding any person whose employment is both casual and not in the courses of the trade, business, profession or occupation of his employer, unless such employer has elected to be bound by the provisions of the compensation law, in which case all employees are included, whether their employment is casual or otherwise, and also excluding any employee engaged in household or domestic service."

"Employee" includes recipient of relief performing work for county.

'Employee' also means a recipient of general relief who is performing work for a county of this state under the provisions of section 71-307.

Approved March 5, 1963.

CHAPTER 154

An Act to Establish a Stable and Uniform Basis for Interstate Cooperation in Driver Licensing and the Reporting of Convictions and to Be Known as the Driver License Compact; Setting Forth the Basic Purposes of the Compact; Defining Certain Terms Used in Act;

Requiring Party State to Report Convictions to Licensing Authority of Home State of Licensee; Providing Party State May Give Same Effect of Conviction Regardless of Jurisdiction of Occurrence; Providing That License Authority in Party State Shall Not Issue License to Party Whose License Has Been Suspended, Revoked or to Party Who Fails to Surrender License of Another Party State; Providing That Adoption of Compact Will Not Nullify Existing Statutes; Providing for Administrator of Act; Providing for Entry and Withdrawal From Compact; Providing For Construction and Severability of Act; Providing That If Any Part of Act Held Unconstitutional It Shall Not Affect Remaining Parts of Act; Defining 'Licensing Authority' and 'Executive Head'; Providing Authority to Furnish Information to Member States; Providing That Administrator Shall Not Be Entitled to Additional Compensation; Requiring Agencies or Court to Report to State Agency; Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This act shall be known and may be cited as the "Driver License Compact."

Act cited as "driver license compact."

ARTICLE I

Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the

Findings and declaration of policy—party states.

operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II

Definitions

Definitions. As used in this compact:

"State." (a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

"Home state." (b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

"Conviction." (c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III

Reports of Conviction

Report of conviction—
party state.

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture

of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV

Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

Effect of conviction—
home state.

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

ARTICLE V

Application for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the

Application for new license—investigation of record.

applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI

Applicability of Other Laws

Applicability—
other laws.

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII

Compact Administrator and Interchange of Information

Administrator.

Procedure.

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

Exchange of
information.

ARTICLE VIII

Entry Into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

Effective upon
enactment.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six (6) months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

Withdrawal
by party state—
effect.

ARTICLE IX

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Liberal
construction.

Severability.

Section 2. As used in the compact, the term "licensing authority" with reference to this state, shall mean the Montana highway patrol board. Said board shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary

"Licensing
authority"
defined.

to facilitate the administration of articles III, IV and V of the compact.

Compact administrator—expenses.

Section 3. The compact administrator provided for in article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

"Executive head" defined.

Section 4. As used in the compact, with reference to this state, the term "executive head" shall mean the governor.

Court shall report to highway patrol board.

Section 5. Any court or other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the Montana highway patrol board within five (5) days on forms furnished by the Montana highway patrol board.

Reference.

Section 6. Items enumerated in article IV (a), subsections (1), (2), (3) and (4) of this act refer specifically to sections 94-2507, 32-2142, 94-114 and 32-1202, Revised Codes of Montana, 1947, respectively.

Effect of conduct.

In addition to convictions mentioned above the Montana highway patrol board for the purpose of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported as it would if such conduct had occurred in this state for convictions of: 1. perjury or the making of a false affidavit relating to the ownership or operation of a motor vehicle (31-154, Revised Codes of Montana, 1947) and; 2. three (3) convictions of reckless driving committed within a period of twelve (12) months (32-2143, Revised Codes of Montana, 1947).

Repealing clause.

Section 7. That all acts or parts of acts in conflict herewith are hereby repealed.

Review—limitation.

Section 8. Any act or omission of any official or employee of this state done or omitted pursuant to, or in enforcing, the provisions of the "Driver License Com-

pass" shall be subject to review pursuant to the provisions of section 31-152, Revised Codes of Montana, 1947, but any review of the validity of any conviction reported pursuant to the compact shall be limited to establishing the identity of the person so convicted.

Approved March 5, 1963.

CHAPTER 155

An Act Amending Section 15-1001, R. C. M. 1947, to Provide for Corporate Acts to Be Accomplished by Resolution Signed By All of the Stockholders and/or Directors Without the Formality of a Regular Meeting of Stockholders or Directors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 15-1001, R. C. M. 1947, is amended to read as follows:

Amending clause.

"Section 15-1001. **Corporate records — to consist of what, and how kept.** All corporations for profit are required to keep a record of all their business transactions; a journal of all meetings of their directors, members, or stockholders, with the time and place of holding the same, whether regular or special, and if special, its object, how authorized, and the notice thereof given. The record must embrace every act done or ordered to be done; who were present, and, in the record of directors' meetings, who absent. If requested by any director, member, or stockholder, the time must be noted when he entered the meeting or obtained leave of absence therefrom. On a similar request, the ayes and noes must be taken on any proposition, and a record thereof made. On a similar request, the protest of any director, member, or stockholder, to any action or proposed action, must be entered in full, and such records must be open to the inspection of any director, member, stockholder, or creditor of the corporation; provided, that in lieu of embracing in the record of stockholders' or members' meetings who were present, a list showing the name of those present at any such meeting, certified by the chairman and secretary thereof, may be filed and kept in the office of the secre-

Required corporate records.

Inspection.

List of stockholders in office of secretary.